



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-08072023-247123

CG-DL-W-08072023-247123

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 7]

नई दिल्ली, जून 25—जुलाई 1, 2023, शनिवार/आषाढ 4—आषाढ 10, 1945

No. 7]

NEW DELHI, JUNE 25—JULY 1, 2023, SATURDAY/ASADHA 4—ASADHA 10, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्यक्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं
Orders and Notifications issued by the Central Authorities (Other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

अधिसूचना

नई दिल्ली, 22 जून, 2023

आ.अ. 109.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 (ख) के अनुसरण में, निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं. 12/2019 में दिये गये उच्च न्यायालय ओडिशा, कटक के तारीख 19 अप्रैल, 2023 के आदेश को प्रकाशित करता है।

[फा. सं. 82/OR-HP/(12/2019)/2023]

आदेश से,

राकेश कुमार, सचिव

ELECTION COMMISSION OF INDIA**NOTIFICATION**

New Delhi, the 22nd June, 2023

O.N. 109.—In pursuance of Section 106 (a) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order dated 19th April, 2023 of the High Court of Odisha, Cuttack in Election Petition No. 12/2019.

[F. No. 82/OR-HP/(12/2019)/2023]

By Orders,

RAKESH KUMAR, Secy.

IN THE HIGH COURT OF ORISSA AT CUTTACK**ELEPT No. 12 of 2019****Mahammad Sahirulhak Haque@**

....

Election Petitioner

Mr. Sidharth Prasad Das, Advocate

-Versus-

1. Pratap Chandra Sarangi**2. Navajyoti Patnaik****3. Hajisk Abdul Istar****4. Rabindra Kumar Jena****5. Jadunath Sethi****6. Basantalata Pattnayak****7. Ramnath Barik****8. Saroj Kumar Panda****9. Jagannath Das****10. Subhash****11. Ramakanta Panda****12. Mohammed Ali****.....Respondents**

Mr. Pitambar Acharya
Senior Advocate For respondents No. 1
Mr. Gopal Kumar Agarwal
Standing Counsel for Election
Commission of India

CORAM:**JUSTICE S.K. SAHOO****ORDER****19.04.2023****Order No.****I.A. No. 12 of 2021**

08. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This interim application has been filed by the Collector and District Election Officer, Balasore to allow the District Election Officer to open the strong room forthwith, remove the EVMs and VVPATs for any future election or any other purpose and to allow transportation of EVMs to other States/manufacturing companies or to the warehouse of Election Commission of India as per the norms/guidelines of the Election Commission of India.

Mr. Gopal Kumar Agarwal, learned Standing Counsel appearing for the Election Commission of India-petitioner submitted that the EVMs and VVPATs are not the subject matter of the election dispute and if those are released in favour of the petitioner, the election petition proceeding will not be hampered in any way.

Even though the interim application has been filed since 26.10.2021 and copy of the same has been handed over to the election petitioner but no objection has been filed.

Learned counsel for the election petitioner is present so also Mr. Pitambar Acharya, learned Senior Advocate appearing for the respondent No.1.

Considering the submissions made by the learned counsel for the petitioner and after going through the averments taken in the interim application, the prayer is allowed. The District Election Officer is allowed to open the strong room, remove the EVMs and VVPATs for any future election or any other purpose and also allowed for transportation of EVMs to other States/manufacturing companies or to the warehouse of Election Commission of India as per the norms/guidelines of the Election Commission of India.

Accordingly, 1.A. is disposed of.

-Sd-

S. K. SAHOO Judge

ELPET No. 12 of 2019

09 Heard Mr. Sidharth Prasad Das, learned counsel for the election petitioner, Mr. Pitambar Acharya, Learned Senior Advocate appearing for the respondent No.1 and Mr. Gopal Agarwal, learned Standing Counsel appearing for the Election Commission of India.

No other counsel, who have entered appearance for some of the respondents are present.

The election petition was admitted on 07.02.2020 and summons were directed to be issued to the respondents by special messenger, cost of which was directed to be assessed and deposit be made by 11.02.2020 and notice was directed to be made returnable within a week. The matter was then listed on 13.03.2020 and on that day, learned counsel for the election petitioner submitted that he will file an affidavit treating the summons received by the daughter of the respondent No.12 as sufficient service on respondent No.12 since she is living jointly with the addressee as reported in the S.R.

Summons on respondent No. 8 was returned unserved with postal endorsement 'unknown'. Since such summons issued to respondent No. 8 through special messenger was also returned unserved with report that the addressee was not present in the given address and nobody has signed as a witness in the summons, learned counsel for the election petitioner was directed to take fresh steps for issuance of summons on respondent No. 8 for which speed post requisites were directed to be filed along with the present correct address by 20.03.2020.

Today, the matter has come on being mentioned by the learned Standing Counsel for the Election Commission of India to pass necessary orders in I.A. No. 12 of 2021, however, the Registry has reported that service affidavit regarding sufficiency of service of summons on respondents Nos. 10 and 12 has not filed, A.D. of summon on respondent No. 4 returned with a signature not legible and summon on respondent No. 8 returned unserved with postal remark 'unknown'. No steps have been taken by the learned counsel for the election petitioner. No mention memo has been filed for listing this matter after 13.03.2020. In the meantime, more than three years have passed.

Today, learned counsel for the election petitioner submitted that he has no instruction in the matter.

In view of such submission, the election petition stands dismissed.

Urgent certified copy of this order be granted on proper application.

-Sd-

S. K. SAHOO Judge